

09/647518



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

09/647-518

FRIEDE

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO. P4518

SMITHKLINE BEECHAM CORPORATION  
CORPORATE INTELLECTUAL PROPERTY UW2220  
PO BOX 1539  
KING OF PRUSSIA PA 19406-0939

5071

INTERNATIONAL APPLICATION NO./Docket No.

I.A. FILING DATE 09/29/97 PRIORITY DATE 09/09/98

11/03/00

DATE MAILED:

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
  - A Designated Office (37 CFR 1.494),
  - an Elected Office (37 CFR 1.495);
- U.S. Basic National Fee.
  - Copy of the international application in:
    - a non-English language.
    - English.
  - Translation of the international application into English.
  - Oath or Declaration of inventors(s) for DO/EO/US.
  - Copy of Article 19 amendments.
  - Translation of Article 19 amendments into English.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
  - Preliminary amendment(s) filed Sept. 29, 2000 and \_\_\_\_\_
  - Information Disclosure Statement(s) filed Sept. 29, 2000 and \_\_\_\_\_
  - Assignment document.
  - Power of Attorney and/or Change of Address.
  - Substitute specification filed \_\_\_\_\_.
  - Statement Claiming Small Entity Status.
  - Priority Document.
  - Copy of the International Search Report  and copies of the references cited therein.
  - Other:
2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ (044) as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation  
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

*John Anderson*  
Telephone: (703) 308-9116

BEST AVAILABLE COPY

Form PTO 1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93)		ATTORNEY'S DOCKET NUMBER B45139
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/647,518
INTERNATIONAL APPLICATION NO. PCT/EP99/02278	INTERNATIONAL FILING DATE 29 March 1999	PRIORITY DATE CLAIMED 09 April 1998 25 September 1998
TITLE OF INVENTION <b>ADJUVANT COMPOSITIONS</b>		
APPLICANT(S) FOR DO/EO/US <b>Martin FRIEDE and Philippe HERMAND</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S. C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

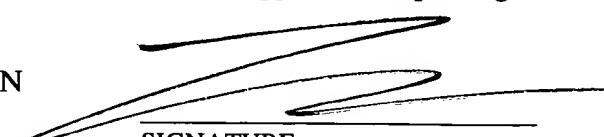
11.  An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
- Please amend the specification by inserting before the first line the sentence: This is a 371 of International Application PCT/ , filed , which claims benefit from the following Provisional Applications.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:

US APPLICATION NO. (if known see 37 CFR 1.50) 09/647,518	INTERNATIONAL APPLICATION NO. PCT/EP99/02278	ATTORNEYS DOCKET NO. B45139		
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY		
<b>Basic National Fee (37 C.F.R. 1.492(a)(1)-(5)):</b>				
Search Report has been prepared by the EPO or JPO .....\$860.00				
International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) .....\$690.00				
No International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$710.00				
Neither International Preliminary Examination Fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,000.00				
International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$100.00				
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$0.00</b>		
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		<b>\$130.00</b>		
Claims	Number Filed	Number Extra	Rate	
Total claims	- 20 =	0	0 x \$18.00	\$0.00
Independent claims	- 3 =	0	0 x \$80.00	\$0.00
Multiple dependent claims (if applicable)		+ \$270.00		\$0.00
		<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$0.00</b>
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$
		<b>SUBTOTAL =</b>		<b>\$130.00</b>
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				\$
		<b>TOTAL NATIONAL FEE =</b>		<b>\$130.00</b>
		Amount to be refunded		\$
		charged		\$

- a.  A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 19-2570 in the amount of **\$130.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570. A duplicate copy of this sheet is enclosed.
- d.  General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application (37 CFR 1.136 (a)(3)).

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
**SMITHKLINE BEECHAM CORPORATION**  
 Corporate Intellectual Property - UW2220  
 P.O. Box 1539  
 King of Prussia, PA 19406-0939  
 Phone (610) 270-5024  
 Facsimile (610) 270-5090



SIGNATURE  
 Zoltan Kerekes  
 NAME  
 38,938  
 REGISTRATION NO.

PCT Rec'd 30 NOV 2000

#3

09 / 647518

PATENT

ATTORNEY'S DOCKET NUMBER B45139

TRANSMITTAL LETTER TO THE U.S. DESIGNATED OFFICE  
(DO/US) - ENTRY INTO NATIONAL STAGE UNDER 35 USC 371

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INTERNATIONAL APP. NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED  
PCT/EP99/02278 29 March 1999 09 April 1998 & 25 September 1998

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TITLE OF INVENTION  
ADJUVANT COMPOSITIONS

APPLICANT(S) FOR DO/US  
Martin FRIEDE and Philippe HERMAND

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date November 30, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL421189926US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Susan Galm  
(Typed or printed name of person mailing paper)

Susan Galm  
(Signature of person mailing paper)